

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

LA'KEEVIS T. JACKSON

PETITIONER

V.

CIVIL ACTION NO. 3:21-CV-495-KHJ-MTP

SHERIFF JODY PENNINGTON

RESPONDENT

ORDER ADOPTING REPORT AND RECOMMENDATION

Before the Court is the Report and Recommendation [12] of United States Magistrate Judge Michael T. Parker. That Report recommends that the Court dismiss without prejudice the petition for writ of habeas corpus filed by La'Keevis T. Jackson. [1]. Written objections to the Report were due by October 29, 2021. The Report notified the parties that failure to file written objections to the findings and recommendations contained in it by that date would bar further appeal in accordance with 28 U.S.C. § 636. *Id.* No party filed written objections by this deadline.

When no party objects to a magistrate judge's report and recommendation, the Court need not review it de novo. 28 U.S.C. § 636(b)(1) ("A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings and recommendations to which objection is made."). In such cases, the Court applies the "clearly erroneous, abuse of discretion and contrary to law" standard of review. *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989).

The Magistrate Judge recommended that the Court dismiss Jackson's petition for writ of habeas corpus because he failed to exhaust state remedies before seeking habeas relief as 28 U.S.C. § 2254(b)(1) requires. [12] at 2. Before he filed his habeas petition, Jackson did not petition for post-conviction relief under Mississippi's Post-Conviction Collateral Relief Act, Miss. Code Ann. § 99-39-1, *et seq.*, in state court. [12] at 3. Thus, the Magistrate Judge concluded that Jackson failed to fulfill 28 U.S.C. § 2254(b)(1)'s exhaustion requirement. [12] at 4. After review of the record, the Court, being fully advised in the premises, finds that the Report and Recommendation is neither clearly erroneous nor contrary to law and should be adopted as the opinion of this Court. This case is therefore dismissed without prejudice.

IT IS, THEREFORE, ORDERED AND ADJUDGED that the Report and Recommendation [12] of United States Magistrate Michael T. Parker, entered in this cause should be, and the same is, adopted as the finding of this Court. A separate Final Judgment will issue this day.

SO ORDERED, this the 1st day of November, 2021.

s/ Kristi H. Johnson
UNITED STATES DISTRICT JUDGE